

## *Original Paper*

# Relationalist View on the Dissolution of Former Yugoslavia and Emergent New States

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### ***Abstract***

*Times After a logic-based foundation of Dialectic Relationism, as a holistic doctrine and a comprehensive systemic-dialectic methodology, in which the relations between the elements (units) constituting a system play the dominant role in its behavior, and even determine the very existence of the elements (units), we demonstrate its applicability to the political arena of international interactions of states and, in particular, to the dissolution of complex state entities and the emergence of new states. Then, we examine in more detail the processes leading to the dissolution of Former Yugoslavia and the emergence of new states following its break up. We elucidate the role of both internal and external factors in the dissolution process and the role of international relations and environment in the political recognition of the new states. This Relationism concept provides a general framework for description and understanding of socio-political processes and regimes in individual states and international system as a whole.*

### ***Keywords***

*Former Yugoslavia, dissolution, Serbia, state recognition, dialectic relationism*

## **1. Introduction**

Main Current studies of international political relations generally follow two mainstream contending doctrines, the realism and liberalism, each of which is rooted in the classical works of Thucydides, Machiavelli, Hobbes, Spinoza and Locke, Kant, Fichte, Rousseau, respectively. The modern version of classical realistic doctrine is formulated by Carr (Carr, 1946) and Morgentau (Morgentau, 1948) and in its neorealist extension by Waltz (Waltz, 1979) and Gilpin (Gilpin, 1981). The liberal doctrine in the 20th century evolved into neoliberalism, best represented by the ideas of Keohane and Nye (Keohane, 1984; Keohane, 1986; Keohane & Nye, 1977). The basic ideological premises of these contending

doctrines are opposed to each other and are rooted in the different perception of human nature and the structure of society.

For the realists, man is by its nature sinful and wicked and in a structured and competitive society its natural instincts for survival, power and domination are not constrained by moral principles. Due to these inherent features of the human nature, the international system of states, in absence of a supranational authority, is in an anarchic state of constant struggle for power, a “war of all against all”, in which actions of every actor (state) are motivated by maximization of its self-interests (including its self-preservation). If all states seek to maximize their powers, stability will result from maintaining a balance of power. Co-operation among states and forming alliances is motivated by obtaining relative gains, although loyalty is, generally, not assumed (Kegley, 1995). In contrast to these premises, the liberalists view the human nature as essentially “good” and altruistic and its evil manifestations are product of the bad and wicked social arrangements and institutions, that cause people to act selfishly and harmful to others. The people are capable and willing to enter into mutual cooperation and aid for increasing their common welfare and avoiding conflicts. The wars and the injustice in international system are not inevitable and they can be minimized by eliminating the anarchical conditions among states through adequate institutional organization of the system, based on mutual cooperation and absolute gains for all (Kegley, 1995).

It should be noted that in both the realist and liberalist doctrine of international political system the main actors are its units, the states, of whatever complexity they might be (individual states, federations, confederations, unions or other complex state entities). The relations (bilateral or multilateral) among the units of international system, that enable their interaction, are created on the basis of the interests of the units and for certain purposes. The motivations for establishing relations within the international state system have different interpretations within the realist and liberalist doctrines. With its multitude of states and plethora of bilateral and multilateral relations (interactions), both undergoing constant changes, the international political system becomes a complex dynamical entity with its own features (properties of the system as a whole). The dynamics of this complex system can be studied within the framework of General Systems Theory (GST) (von Bertalanffy, 1971), as was done by the neorealist K.N. Waltz (Waltz, 1979). From the GST point of view, the interactions (relations) between the units (states) of the complex international political system become as important elements of the system as are its units and, as in other complex systems (e.g., biological, engineering, information, eco-systems, etc.), and have a role in the functionality, evolution and stability of the system that can be comparable to or even greater than that of the units (due to e.g., resonant and synergistic effects).

The role of the relation between the units in a complex system was first recognized by Leibniz in his dispute with Newton on the nature of space and time (in a cosmological context). Newton considered space and time as absolute entities, existing independently of bodies and events (substantialism). For Leibniz space and time do not exist outside a system of relations among bodies and ordered time events (relationism) (Futch, 2008; Ray, 2008). The supremacy of the relation in the system Leibniz derived

from his Principle of Sufficient Reason. The relationist concept of Leibniz, that relations are the texture of space-time, in which the particular entities exist and the events take place, was, in the mid-fifties of last century, applied to the dynamics of social systems, in which the individuals “are not assumed as independent existences present anterior to any relation, but gain their whole being in and with their relations” (Cassirer, 1995). Meanwhile, this sociological relationism underwent further developments (see e.g., Emirbayer, 1997). The Leibniz relationist idea was taken by J. Kaipayil (Kaipayil, 2009) to develop a relationist theory of reality. His “ontic relationism” addresses the metaphysical problem of the one and many, i.e., the unity and plurality. Entities are constituted by their multiple relations.

Recently, we have developed a relationist theory of the international political system and its units (the states) (Janev, 2010; Janev, 2003). Unlike in the theories of Cassirer and Kaipayil, where the supremacy of the relation in the system is taken as a postulate, we have derived the fundamental character of the relation in the system by addressing the basic ontological problem “why is there something, rather than nothing”, formulated also by Leibniz in his “Principles of Nature and Grace”. In Heidegger’s reformulation of the problem, “something” is replaced by “Everything” and “nothing” by “Nothingness” (Heidegger, 2000). Using the principles of dialectic methodology and general systems theory, it was logically derived in (see Janev, 2010) that the existence of the opposing poles in the ontological problem results from the fundamental relation uniting them. The relation in a system is carrier of certain interaction between two or more units in the system, between groups of units in the system, and it is a condition sine qua non for the existence of the system itself. The dynamics of the system (changes, evolution, stability, and other properties) are determined by the relations in the system. We call this philosophical doctrine dialectic relationism, as opposed to the ontic relationism of J. Kaipayil.

In the next section of this Chapter we derive the fundamental relation, as solution of the “something”—“nothing” (or “Everything”-Nothingness”) ontological problem and apply its methodology in the analysis of some complex systems (the states, international political system). We mention here only that the introduction of the relation as a basic element of the international political system, leads to a structural unification of realist and liberal (or their neo-versions) political doctrines, the difference arising only from the character of the relations: opposition (realists) or cooperation (liberals). In that section, we also provide some examples from the world political history of significant changes on the world political landscape, generally after catastrophic political events, resulting from the interplay of the relations among the political actors.

In the subsequent sections, we apply the methodology of dialectic relationism to analyze the dissolution of former Socialist Federal Republic Yugoslavia (SFRY), particularly the role of the internal and external factors and relations in this process, as well as their interconnection. The establishment of new states, on the basis of former Yugoslav republics, is also discussed, particularly from the aspect of their political (diplomatic) recognition by other states of international community and their admission to the United Nations membership. In this context some specific legal issues that arose with the continuation

of the UN membership of Federal Republic of Yugoslavia (Serbia and Montenegro) and the admission of Macedonia to UN membership (Janev, 1999; Janev, 2006).

## 2. Basis of Dialectic Relationism

In addressing the metaphysical problem “why is there something, rather than nothing” we first remind of the three basic principles of dialectic methodology (see, Hegel, 1977; Engels, 1968): 1) unity and conflict of opposites (which drives the changes), 2) transformation of quantity to quality (at a certain critical level of the quantity; called phase transition in natural sciences), and 3) negation of the negation. These principles are operative in any composite entity, system of entities and its sub-systems and are all involved in their dynamical behavior. For a complete understanding (and description) of the dynamics of complex systems it is necessary also to invoke the principles of General Systems Theory: 1) the complex system represents a unified whole of entities (elements) and their interactions. 2) A complex system exhibits properties and behaviors distinct from those of its elements or parts (sub-systems) (i.e., collective, or global, properties and behaviors). Among the most important of collective properties of complex systems are: synergism, feedback loops, coherence, self-organization, (self-control, self-regulation, adaptation). 3) The complex system and its environment (entities outside its boundary) form an open system; the dynamics of the complex system, as well as its properties and behavior, are then strongly affected by its interaction with the environment and by the interactions of its elements (parts, sub-systems) with the entities of the environment. Keeping in mind that the interaction represents the substantive content of any relation, it is clear that the dynamics of open complex systems is highly relevant for the analysis of international political system, its sub-systems and even its basic entities (the states).

Turning to the metaphysical problem of “something” vs. “nothing”, we should first note that semantically “something” and “nothing” are opposite to each other; they are also negation of each other. As abstract entities in a system, they have opposite “polarity”. According to the first (of above listed) principles of dialectics, united (in a system) the “something” and “nothing” are in a permanent conflict relationship. This relationship ensures their unity and contradictory existence/non-existence. Therefore, “something” and “nothing” (and for that matter “somethingness” (“everything”) and “nothingness”) exist only as logical poles of a fundamental ontological relation. In its classical (Leibniz’s or Heidegger’s) formulation (“something” vs. “nothing”, “everything” vs. “nothingness”), the basic metaphysical problem is an ill-posed problem and creates the logical paradox of existence. The systemic-dialectic resolution of this paradox again leads to the irreducible fundamental ontological relation (see Janev, 2010), and thereby to the resolution of classical metaphysical problem. Below, we briefly outline the derivation of this resolution.

The conflicting interaction (contradiction) of opposing elements in a closed system, as well as in its constitutive sub-elements, causing their changes, implies a process of division of the element ad infinitum in the quest for the elementary “something”, the basic element. In following the process of

successive division of the element towards its basic form, we shall apply the dialectic principles of negation of the negation and the transformation of quantity to quality. The later principle states that the change of the quantity creates, at certain critical level, a new quality. The continuation of the division process presumes that at any stage of its progression there is always a non-zero quantity for any of its opposing sub-elements. In the process of infinite division of the element, we have to suppose that the quantities of the two sub-elements, forming the element, converge to a zero quantity of somethingness at infinity. An important question here appears about whether both of the two sub-elements reach the zero-quantity value at infinity, or only one of them does so. Reaching the zero-quantity value (of somethingness) is certainly a critical level of change of the quantity, and it has to be accompanied by creation of a new quality (the absence of somethingness). On the other hand, the dialectic principle of unity of contradictions requires that any change of the quality must be provided through the tensions of contradictions, carried out in the case of element's division by its sub-elements. The role of contradicting elements in triggering the change is, however (by definition) never absolutely symmetrical; the equilibrium of the tensions would never produce a change in quality. This implies that in the division process only one of the opposing sub-elements can reach the zero-quantity value (of somethingness), i.e., can be transformed into a new quality (absence of somethingness). Remarkably, in this separation of sub-elements, their contradiction is not lost; it is only transformed into another, more fundamental and irreducible (since the division process has reached its end) contradiction between two qualities: one with a non-zero quantity of somethingness (hence, existence), the other with a zero-quantity value of somethingness (i.e., non-existence). Thus, the asymmetrical nature of the contradiction between the sub-elements, driving the division process, precludes the possibility that the separated entities at the final stage of the process simultaneously reach the zero-quantity value of somethingness, defining the absence of any quantity of somethingness, i.e., the Nothingness. The other product of the final stage of the division process obviously represents the whole somethingness, i.e., the Everything. It should be noted that in carrying out the division process it was assumed that the quantity of somethingness is union of "something" and "nothing" (or "Everything" and "Nothingness") and represents an "absolutely contradicting self-identity", a dynamic tension of opposites that, unlike in Hegel's dialectic logic, does not resolve in synthesis.

From the point of view of General Systems Theory, something (S) and nothing (N), being in contradiction to each other, and mutually inseparably connected, form by necessity a system, or a "primitive relation". The most essential characteristic of this system is the intrinsic inter-connection of S and N, making them inseparable, without which neither of them can be, nor can the system they form exist. Since S and N are mere elements of the system (the poles of the connecting interaction), it follows that the existence of a relation between S and N is a prerequisite for their own existence (as elements of the system) and the existence of the system itself. It appears, thus, that the relation is a more fundamental entity in the system than the elements. The system {S, N} is obviously the most fundamental one, and the relation between S and N can be called fundamental irreducible relation.

Hence, the origin of both S and N is their systemic relation from which they are inseparable. The extension of the supremacy of the relation over the elements (derived from the principles of dialectic logic) to a complex dynamic system, constitutes the doctrine of Dialectic Relationism.

As mentioned earlier, the complex dynamical system is characterized by a multitude of elements and a plethora of interactive relations among them and among groups of elements of the system (sub-systems). Moreover, in the complex dynamical systems collective properties emerge, such as coherence, self-organization, self-regulation, etc. that generate new types of relations which do not have antagonistic character, but rather an attractive, cooperative character required for preserving the functionality and stability of the system.

We now give a brief overview of the processes in the modern organized social and political systems from the viewpoint of the dialectic relationism. The state, as a social system with a complex structure (individuals, social groups organized around certain sets of ideas), is the basic element of international political system. With an enormous number of particular interests of its components, its functional consistency and self-preservation is ensured by an accepted set of rules of behavior and constrains (Law) that legitimizes the distribution of power within the state. The power distribution is determined through the competition of opposing contenders (political parties), whose relations generally have antagonistic character, but the members of the parties obviously share co-operative relations. Co-operative relations (temporary or long-term) may be established between political parties (coalitions) to acquire a greater portion of the power distribution. On the other hand, different group interests within a political party create internal conflicting relations that can lead to division of the party to two or more new parties. These examples demonstrate how the conflicting and co-operative relations can change the political landscape within a state.

The role of conflicting or co-operative relations in changing the world political landscape by disassembling the old imperial state-systems and creating new state entities can be particularly clearly observed on the world political arena in the aftermaths of devastating long multi-state wars. Such wars usually take place between two alliances of states with opposing interests and end with peace treaties, in which the winning alliance dictates the peace conditions, defines the territorial boundaries of the post-war states, grants independence to states previously occupied by the enemy state alliance and declares recognition of newly established state entities. Examples for such peace treaties from the recent history are the Treaty of Berlin (July, 1878), following the 1877-1878 war between the Great Powers (Russia, Great Britain, France, Austro-Hungary, Italy and Germany) and Ottoman Empire, by which Turkey lost almost all of its territories in the Balkans (Romania, Serbia and Montenegro achieved full independence), while Bosnia and Hercegovina was taken over by Austro-Hungary. Another example is the Treaty of Versailles (June 28, 1919; signed on January 10, 1920), ending the First World War (1914-1918) between the Triple Entente (Great Britain, France, Russia) and its affiliated members (Belgium, Serbia, Montenegro, Greece and Romania), on one side, and the Central Powers (Germany, Austro-Hungary, Ottoman Empire, and Bulgaria) on the other. In later stages of the

war Italy (May 1915), USA (April 1917) and Japan (August 1919) joined the Entente, while after the October Revolution (October 1917) the new Soviet state left the alliance by a separate peace treaty with the Central Powers (November 1917). The Treaty of Versailles reshaped once more territorial borders in Europe, forced Germany to grant independence to its protectorates and to Czechoslovakia, and recognized the sovereignty of Belgium.

At the Postdam Conference (July 17-August 2, 1945), the three anti-Nazi World War II allies (USA, United Kingdom and Soviet Union) have formalized (through the Postdam Agreement, signed on July 30, 1945), their earlier decisions at the Yalta Conference (February 4-11, 1945) regarding the future of defeated Germany and its war allies, and the reorganization of post-war Europe. Germany lost about 25% of its territory, given mainly to Poland to compensate for the loss of its territories given to the Soviet Union; the remainder of Germany was divided into four occupied zones, out of which two independent German states would later be formed (East and West Germany).

Politically, one of the major outcomes of the Second World War was the creation of two ideologically opposite alliances (“Western bloc”—USA and Western Europe, and “Soviet bloc”—Soviet Union and the socialist countries of Eastern Europe), out of which two military alliances emerged (“NATO” and the “Warsaw pact”). This antagonistic “mega-relation” (called “cold war”) between the two blocs persisted until the dissolution of Soviet Union (1990), threatening the World with a cataclysmic nuclear war.

The territorial reconfigurations of political landscape at the post-war peace treaties are aimed at establishing a long-term balance of power on the world political scene. The generation of new political entities (states or state-like entities) by such treaties, reflecting the conflicting relations (interests) of treaty-parties, primarily serves the goal of equipartition of political gains and not satisfaction of aspirations of certain ethnic groups for establishing nation-statehood. The creation of United Nations in 1945 with the aim to prevent future wars, based on co-operative relations between its member states, has provided a mechanism for addressing the problem of non-self-governing territories having a colonial status. On the basis of the “Declaration Regarding the Non-Self-Governing Territories” (Chapter XI of the UN Charter, on December 14, 1960, the UN General Assembly at its 15th session adopted the “Declaration on the granting of independence to colonial countries and peoples” (GA/Res.1514 (XV)), after which the process of decolonization began, resulting in proliferation of many new states on the international political arena.

### **3. Brief History of Dissolution of the Former Yugoslavia and Emergence of New States in Its Aftermath**

The processes leading to the disintegration of Former Yugoslavia, associated with inter-ethnic wars has been subject to many popular journal publications and scholarly analyses, in which the causes, chronology of the events and consequences have been discussed (see, e.g., Glenny, 1993; Cohen, 1993; Lazić, 1994; Obrenović, 1994; Nakarada, 1995; Woodward, 1995; Simić, 1995; Silber and Little, 1997).

The present section does not aim to give a detailed account of all aspects of these processes (e.g., sociological, socio-psychological, military, etc.), but concentrate on the role of internal relations within and among the federal units, the relations of the units and the federation as a whole with the external environment, as well as on the role of the mutual relations between elements of the external environment.

Complex state entities (empires, confederations, federations, or other groups of states-alliances) disintegrate either by internal tensions (conflicting relations between its parts), their antagonistic relations with the environment (resulting in wars) or by combinations of both. Well-known historic examples include the disintegration of the Holy Roman, Byzantine, Russian, Austro-Hungarian and Ottoman empires and the disintegration of socialist countries alliance around the Soviet Union, Soviet Union itself and the Socialist Federative Republic of Yugoslavia (SFRY or Former Yugoslavia) in early 1990s. A comparative study of the disintegration of these complex state systems from the point of view of dialectic relationism would be of great interest, but in this chapter we analyze the disintegration of the Former Yugoslavia only.

SFRY was established in 1945 as successor of the Kingdom of Yugoslavia (under the name Federal People's Republic of Yugoslavia, which was changed to SFRY in 1963), constituted of six republics (Serbia, Croatia, Slovenia, Bosnia and Hercegovina, Macedonia and Montenegro) with different historical, cultural, religious backgrounds and ethnic compositions. Before the establishment of the Kingdom of Yugoslavia, Croatia, Slovenia and Bosnia and Hercegovina were under the rule of Austro-Hungary, while Serbia, Montenegro and Macedonia have for centuries been parts of Ottoman Empire (with Montenegro having always a special independence status, the independence of Serbia being recognized in 1878 at the Congress of Berlin and present Macedonia becoming part of Serbia after the Balkan wars, 1912-1913). The ethnic structure of the population on the territory of SFRY at the time of its formation was predominantly Slavic, with significant Albanian admixtures in the south of Serbia (the Kosovo and Metohia province) and in the north-west Macedonia. The religious affiliation of the inhabitants of Croatia and Slovenia was predominantly Roman Catholic; population of Serbia, Montenegro and Macedonia was predominantly Orthodox Christian, while the dominant religion in Bosnia and Hercegovina, Kosovo and Metohia, and north-western part of Macedonia was the Islam. Due to their geographical position and religious affiliation, the cultural ties of Slovenia and Croatia with the neighboring European countries, such as Italy, Austria and Hungary, were profound. On the other hand, due to the help of Russian Empire in their struggle for independence from the Ottoman Empire, as well as sharing the same religious beliefs, the cultural ties of Serbia, Montenegro and Macedonia with Russia were traditionally strong. While this ethnic, religious and cultural diversity can be perceived as an asset (cultural enrichment of the society, complementarity), coupled with the significant differences in their economic development (caused partially by differences in the national resources and production efficiency), it can be also a basis and potential for creation of conflicting relations between (and within) the constitutive federal units and groups of them.



On the other hand, occupying a central position in the Balkan Peninsula and being a bridge between Europe and the Middle East, Yugoslavia had always been of great geostrategic importance for both the Western and Eastern Powers. This importance was especially elevated after Yugoslavia broke up its close ideological and political ties with the Soviet Union in 1948 (the famous Tito-Stalin split) and became the founding and most influential member of the Non-Allied Movement, created in 1961. The conflict of geostrategic interests of the Western Powers (USA and West Europe) and the Soviet Union for dominance over Yugoslavia was wrapped in an ideological dress (democracy vs. power centralism, multi-party vs. one-party system, ideological pluralism vs. communism). The ideological form of western interests has found a resonance with the latent nationalist and separatist tendencies in some of the republics (Croatia and Slovenia) and in the autonomous province Kosovo and Metohia of Serbia. At the student demonstrations in Pristina (capital of the province) on November 27, 1968, the requirement for granting a status of republic to Kosovo within SFRY was articulated for the first time, but was immediately suppressed. The nationalist tendencies in Slovenia and Croatia were to a significant extent stimulated by their higher level of economic development with respect to other parts of the federation and the perception that the jointly produced wealth is distributed among the republics disproportionately to their contribution to the common wealth. Publicly these tendencies were expressed through requirements for greater cultural autonomy, but were basically motivated by aspirations for more economic and political rights and for strengthening their national identity sentiment. The “Croatian Spring” mass-movement 1967-1971 for cultural reforms in the federation provides a primary example of such aspirations. Furthermore, the requests for more profound political and liberal reforms were present in other Yugoslav republics; in Serbia the need for liberal reforms was articulated by the communist party leadership at the beginning of 1970s. As a result of the public demands for greater political, economic and cultural autonomy, in 1974, the Constitution of SFRY was amended, providing the republics with a greater degree of autonomy in the economic, political and cultural areas. The individual republics amended their own constitutions accordingly, whereby the autonomous provinces of Serbia, Kosovo and Metohia and Vojvodina, obtained a significantly greater autonomy, essentially equal to that of the republics. The Federation maintained prerogatives only over the national defense and international relations. The federal units had a full autonomy over their economic and cultural relations with the external world. Within such a decentralized federal structure the nationalist and separatist tendencies could grow at will, the only controlling and cohesive political force being the League of communists of Yugoslavia and the Collective Presidency of the Federation, (constituted by representatives of the six republics and two autonomous provinces), with Tito acting as its permanent President until his death. After Tito’s death in 1980, the nationalist and separatist tendencies within some of the federal units began to grow rapidly. These tendencies were strongly supported by foreign countries with which they had a common history or long cultural relations (e.g., Slovenia and Croatia with Austria, Germany, Italy and Hungary, Kosovo and Metohia with Albania). The visible form of this support in the case of Slovenia and Croatia was manifested in development of

strong economic and trade relations with the European countries, reviving their cultural interactions and establishing cooperation in other fields. This resulted in a noticeable increase of already significant economic strength of these two republics within the federation relative to that of other republics. This is an example of how selective relations of the external environment with the units of a system can change the balance of power between the units. The historic cultural and religious connections of Croatia and Slovenia with the neighboring catholic countries, fueling their cultural identification with the European community of states, have also played a significant role in the rise of nationalist and separatist sentiments in these republics. Apparently, the psychological affiliation of these two republics to the Yugoslav project, first as Kingdom of Serbs, Croats and Slovenes (1918-1929), then as Kingdom of Yugoslavia (1929-1941) (a parliamentary monarchy with a Serbian monarch), has never been strong due to the perception of dominance of the more numerous Serbian nation in the federation. Nationalist ideas started to grow also within the Muslim population in Bosnia and Hercegovina (Bosniaks), supported ideologically and financially by the Arabic countries (primarily Saudi Arabia).

The relatively good living standard in Yugoslavia during Tito's period was based on the competition of Western Powers and Soviet Union in building good relations with the non-allied Yugoslavia for promoting the values of their political systems. The rich western countries were providing economic assistance (especially after the Tito-Stalin split), favorable loans and open markets for the Yugoslav labor power. Soviet Union's market and that of the eastern socialist countries were open for the Yugoslav goods. After Tito's death these relations weakened considerably, the economy was weakening rapidly entering into a deep depression by the end of 1980s. The differences in the per capita GNP between the federal units was very large: in Slovenia it was more than twice larger than the average for Yugoslavia, while in Kosovo and Metohia (with a large Albanian majority) it was less than one third of the average. These GNP differences, reflected in the living standard, were generating various forms of discontent and threat for the unity of the federation. On the other hand, the formation of political elites in the republics and autonomous provinces was based primarily on political platforms centered on national interests and national identity. As the Collective Presidency of the Federation was constituted by representatives of these elites it became a rather ineffective organ in controlling the internal processes and nationalist tendencies in the country. In fact, it became the focus where nationalist interests and tendencies started to manifest in an open form.

In the federal units based on multiple ethnic structures, the growth of nationalist ideas stemmed from the ethnic identity, creating inter-ethnic tensions within the units. Such tensions intensified during 1980s: between Serbs and Croats in Croatia, Bosniaks and Croats and Bosniaks and Serbs in Bosnia and Hercegovina, Albanians and Serbs in Kosovo and Metohia and to a lesser extent between Serbs and Hungarian minority in Vojvodina.

The strong nationalist sentiment of Albanians in Kosovo and Metohia was expressed in the March-April, 1981, massive student demonstrations in Pristina that spread out to other locations (Kosovska Mitrovica, Uroševac, Vučitrn). The primary demand of protesters was the demand for granting the

province a status of Republic within the Federation. The protests were suppressed by the Presidency of Yugoslavia, declaring on April 2 a state of emergency in Pristina and the city of Kosovska Mitrovica. In the years that followed, the political aspirations of Kosovo Albanians for obtaining a status of Republic within the Federation were only increasing and found support by Croatia and Slovenia. For Serbia the administrative separation of Kosovo and Metohia from Serbia was unacceptable and, in order to prevent the possibility of such an undesirable event, the Serbian Parliament in 1989 amended its Constitution of 1974 to significantly reduce the autonomy of Kosovo and Metohia (the amendments were confirmed in the new Constitution of Serbia adopted in September 1990). The reaction of Kosovo Albanians to the abolishment of their autonomy was organization of mass protests, the general strike of Trepča miners in March 1989 (publicly supported by the Slovenian leadership), the referendum for independence from Serbia and SFRY (in September 1991) and the declaration by the Provincial Assembly of the “Republic of Kosovo” (which was one month later recognized by Albania). The self-proclaimed independence did not have any legal effect, but has enormously increased the inter-ethnic tensions within the province and between Central Serbia and the separatist province. These tensions started to obtain violent character and resulted in a massive expulsion of Serb population from the province and a significant presence of Serbian police in Kosovo and Metohia to protect the Serbs.

It should be mention that Slovenia and Croatia were actively supporting the separatist aspirations of Kosovo Albanians for independence from Serbia. The separatist aspirations of these two republics started openly to be expressed and openly supported by Germany and some other EU countries. Croatia was secretly planning a forceful separation from Yugoslavia and buying arms from Hungary. As a reaction to the separatist tendencies in Croatia and Kosovo and Metohia, the nationalist sentiment in Serbia also started to grow. It was motivated primarily by the concern for the destiny of Serbian population in these two federal units with strong inter-ethnic tensions (already violently manifested in Kosovo and Metohia and having historical roots in the World War II in Croatia). The growth of nationalist sentiment of the Bosniaks in Bosnia and Hercegovina, where the population of Serbs was also large, significantly increased the potential for severe inter-ethnic conflicts. The national rights of the Serbs in Bosnia and Hercegovina became an additional concern for Serbia.

The divisions over the national and economic issues, threatening the stability and unity of Yugoslavia, were reflected further in the Yugoslav Presidency, as well as in the League of Communists of Yugoslavia. On January 20-22, 1990, the Extraordinary 14th Congress of the League of Communists of Yugoslavia was convened in Belgrade to deal with these issues. The Congress was dominated by clashes between the Serbian and Slovenian delegations, headed by Milošević and Kučan, respectively, over the power enshrined to the federal units and the decision making process in the League. Slovenian delegation suggested a confederative model for the League and the state, empowering the constituent units. Serbian delegation advocated introduction of a “one man-one vote” policy for decision making in the League and a more centralized Yugoslavia.

All proposals of Slovenia were rejected, while those of Serbia were accepted on a majority vote, helped

by Vojvodina, Montenegro and Kosovo (represented by a pro-Serbian politician). The Slovenian delegation at that point left the Congress. Milošević proposed to continue the work of the Congress without Slovenia, but Croatia considered that as unconstitutional and threatened to leave. When attempts were made to recommence the meeting, the Croatian delegation departed the meeting, followed by the delegations of Bosnia and Hercegovina and Macedonia. Subsequently, the League of Communists of Yugoslavia was dissolved, opening the door of creation of multi-party systems in the federal units. Thus, the last congress of the League of Communists of Yugoslavia played the key role in the disintegration of the federation.

The internal dissolution of Yugoslavia essentially started when the federal republics organized their first multi-party parliamentary elections in 1990, when (except in Serbia and Montenegro) the ex-communists failed to win the elections. Most of the elected governments were formed on nationalist platforms, promising better protection of national interests than the ex-communists. The success of the ex-communists in the elections in Serbia and Montenegro was due to their proven strong nationalist stands in the struggles for protecting the Serb interests in Croatia, Bosnia and Hercegovina and Kosovo and Metohia. Following the results of multi-party elections, Slovenia, Croatia and Macedonia proposed in autumn of 1990 to transform Yugoslavia into a loose federation of six republics. The Serbian leadership, however, rejected the proposal. The rationale was based on the premise that the large Serbian populations in Croatia and Bosnia and Hercegovina should also have rights to self-determination, similarly to Croats and Slovenians. In addition, the Serbian leadership was alarmed by the change of the status of Serbian population in the new Croatian Constitution, adopted on December 22, 1990, from a constitutive nation to a minority. Because of the major disagreements between the republics about the reorganization of the federation, and because of already openly expressed preferences of some Western countries (especially Germany) in this regard, on December 23, 1990, Slovenia held a referendum for independence from Yugoslavia. The turnout was 88.5% and 94.8% of the voters voted for independence. The independence was declared on June 25, 1991. The Croatian referendum for independence from Yugoslavia was held on May 2, 1991, with 93.24% of the voters voting in favor. A second referendum was held in Croatia on May 19, 1991, regarding the question of whether the independent Croatia should form an alliance of sovereign states with the other Yugoslav republics (in accordance with the proposal of Slovenia, Croatia and Macedonia for solving the state crisis of SFRY). With the 83.6% turnout, since the Croatian Serbs boycotted the referendum, 94.2% voted in favor. On June 25, 1991, Croatia declared its independence from Yugoslavia. Macedonia held its referendum for independence on September 8, 1991, with 95.3% of voters voting in favor. The Macedonian independence from Yugoslavia was declared on September 25, 1991. The parliament of Bosnia and Hercegovina was ethnically divided on the question of independence from SFRY. Reacting to the Bosniak majority stand for independence, Bosnian Serbs held a referendum in November 1991, with an overwhelming vote to stay in a common state with Serbia and Montenegro. On January 9, 1992, they proclaimed a separate Republic of the Serbian people (Republika Srpska), which included all

regions within Bosnia and Hercegovina consisting of predominantly Serbian population. The Bosniak dominated Bosnian government called for an independence referendum on February 29 and March 1, 1992, which was boycotted by the Serbs. The turnout was 63.4% of which 99.7% voted in favor. The independence of Bosnia and Hercegovina from Yugoslavia was declared on March 3, 1992. On April 6, 1992, the Bosnian Serbs declared their independence from Bosnia and Hercegovina.

It should be noted that the processes leading to the establishment of Croatian independence from Yugoslavia were paralleled by similar processes of the Croat ethnic Serbs: on April 1, 1991, the leaders of the Serbian Autonomous Region (SAR) Krajina declared that this region would separate from Croatia if it proclaims independence. And indeed, after Croatia declared its independence, the three Serbian regions Krajina, Western Slavonia and Eastern Slavonia, Baranja and Western Srem declared the Republic of Serbian Krajina (RSK) on December 19, 1991.

The next day after the simultaneous declaration of independence by Slovenia and Croatia on June 25, 1991, the Yugoslav People's Army (YPA), which was by the federal constitution the official guardian of the territorial integrity of the state, moved towards the northern border of Slovenia, where the Yugoslav border insignia, such as the flag and country name, were already replaced by the Slovenian ones. Local armed Slovenians prevented the move of YPA towards the border, and the treat of an armed conflict became a real possibility. The European Community (EC) exerted pressure on Slovenia and Croatia to place a three month moratorium on their independence and organized the Brioni Conference on July 7, 1991, involving an EC delegation, Slovenia, Croatia, and representatives of the Yugoslav Presidency and Government). The only results of this conference were the withdrawal of YPA from Slovenia, and the agreement by both Croatia and Slovenia to suspend their activities around their declared independence for three months. However, during its withdrawal from Slovenia through Croatia, fierce clashes between the YPA and Croatian armed forces took place (the most bloody being those in the city of Vukovar), marking the beginning of a full-fledged war. On July 29, 1991, the EC declared the inviolability of the Federation's internal borders, a declaration that was rejected by Serbia and Croatian Serbs.

On September 7, 1991, the EC organized the Conference on Yugoslavia in Hague in an attempt to cease the battles, find a political solution for the inter-republic conflicts and restore the Federation. Lord Peter Carrington chaired the Conference. In the framework of the Conference an Arbitration Commission was formed, led by Robert Badinter, the president of the Constitutional Council of France. The Commission included presidents of Constitutional Courts of Germany, Italy, Spain and Belgium as members. The mandate of the Commission was to provide the Conference with its opinions about major legal matters which have arisen from the declarations of independence of Slovenia, Croatia and Macedonia, and the potential for defragmentation of Croatia and Bosnia and Hercegovina by the ongoing armed conflicts. The opinions of the Commission were the following: 1) SFRY was in the process of dissolution, 2) the Serbian population in Croatia and Bosnia and Hercegovina is entitled to all rights of minorities and ethnic groups and the republics must afford to them all the human rights and

fundamental freedoms recognized in the international law, 3) the boundaries between Serbia and Croatia and Serbia and Bosnia and Hercegovina and other adjacent states may not be altered, except by mutual agreements, 4) the independence of Croatia should not be recognized by the EC countries because of the inadequate protection of minorities in the new Croatian Constitution. (In reaction to this opinion Croatian president wrote a letter to Badinter giving assurances that this concern would be remedied.) Commission recommended recognition of Slovenia and Macedonia, but because of the Greek opposition EC was reluctant to recognize Macedonia. In arriving at the opinion 3), the Commission was guided by the legal principle *uti possidetis juris*, i.e., recognized as inter-republican administrative borders as determined in the Federal Constitution of 1974. The Commission did not recommend recognition of Bosnia and Hercegovina, since at the time of delivery of its opinions (November 29, 1991, January 11, 1992) the referendum for independence in this republic had still not been held. The Commission expressed opinion that the succession of SFRY should be resolved by mutual agreement between the successor states with an equitable division of international assets and obligations of the former state. It also ruled that the membership of SFRY in international organizations could not be continued by the successor state, but each that emerged from the former SFRY should individually apply for membership anew. This principle would also be applicable for the applications of the states emerging from the SFRY dissolution for membership to the EC. The leadership of Serbia and Montenegro was in strong opposition to the opinion 2) of the Commission, denying the right to self-determination of the Serbs in Croatia and Bosnia and Hercegovina. On the basis of the opinions of Badinter Commission, Slovenia and Croatia were recognized by the EC on January 15, 1992. Even before this date they were unilaterally recognized by Germany on December 27, 1991 (despite the opposition of France, UK and the Netherlands) and by Ukraine, Island, the Holly See and the Baltic countries. Their recognition by other countries rapidly grew thereafter. As mentioned above, the recognition of Macedonia by EC was not granted due to the Greek opposition.

Meanwhile, the armed conflicts in Croatia between the Croatian forces, on one side, and the YPA and the forces of Republic of Serbian Krajina (RSK), on the other, were intensifying. The United Nations Security Council on November 27, 1991, adopted the Resolution 721, which paved the way to the establishment of peacekeeping operations in Former Yugoslavia. The special envoy of the UN Secretary-General, Cyrus Vance, on November 23, 1991, met in Geneva with the presidents of Serbia and Croatia, and with the Yugoslav Minister of Defence, where a ceasefire agreement was negotiated (the Geneva Accord). The ceasefire, however, did not last very long and the war conflicts spilled over into Bosnia and Hercegovina, involving all three ethnic groups (Bosniaks, Serbs and Croats). Within the Vance's efforts regarding the implementation of ceasefire and demilitarization of the parts of Croatia, under control of Croat Serbs and YPA, on January 2, 1992, another meeting was convened in Sarajevo, where an Implementation Agreement was signed by military representatives of Croatian Ministry of Defence and YPA. The Agreement entailed deployment of 10,000-strong UN Protection Force (UNPROFOR) to the major conflict areas, with the task to create buffer zones between the

fighting troops, to disarm the arm forces of RSK, to ensure the YPA withdrawal from the UN protected areas and the return of refugees to these areas. The RSK president refused to endorse the Agreement, but Serbian President Milošević persuaded the RSK parliament to replace him and accept the Agreement. The acceptance of the Agreement by Serbia was motivated by its primary purpose to create favorable conditions for negotiations of the permanent solution to the conflict. The Agreement produced a longer-lasting ceasefire, but failed to completely implement the other of its objectives. After September 1992, the EC took a proactive role in the UN peace efforts in Yugoslavia and its representative Lord Peter Owen joined Vance in the peace negotiations. After Vance resigned his post in April 1993, the Norwegian Foreign Minister Jens Stoltenberg was appointed as the main UN peace negotiator. At the initiatives of Lord Owen and Stoltenberg, the UNPROFOR's mandate was extended to include the territory of Bosnia and Hercegovina. The UNPROFOR mission was terminated in March 1995. In August of the same year the Croatian army undertook the military initiative "Operation Storm" against the RSK, resulting in massive destruction and a flux of 250,000 refugees into Serbia.

In the period of November 1-21, 1995, the "General Framework Agreement for peace in Bosnia and Hercegovina" (Dayton Agreement) was negotiated in Dayton, Ohio, between the presidents of Serbia (Slobodan Milošević, representing the Bosnian Serb interests), Croatia (Franjo Tuđman) and Bosnia and Hercegovina (Alija Izetbegović), with the mediation of the US Secretary of State Warren Christopher, EU Special Representative Carl Bildt, First Deputy Foreign Minister of Russia Igor Ivanov and the US negotiator Richard Holbrooke. The Dayton Agreement was officially signed on December 14, 1995, in Paris, France, witnessed by the presidents of the US and France, as well as the prime minister of the UK. The main purpose of the Dayton agreement was to bring an end to the inter-ethnic conflicts and prevent them from resuming, to delineate the inter-ethnic boundaries, and to endorse a regional balance of power. The territory of Yugoslav Republic Bosnia and Hercegovina was divided into two political entities: 1) Federation of Bosnia and Hercegovina, involving the Bosniaks and Bosnian Croats and occupying 51% of the territory, and 2) Republika Srpska on the remaining 49% of the territory with predominant Serb population. Each of these two entities would have its own governing institutions, but the government of the new state Bosnia and Hercegovina would consist of representatives of the three ethnic groups (empowered with a veto voting right in the decision making process). The implementation of the agreement was mandated to the NATO-led Implementation Force (IFOR) - responsible for keeping the peace, the Office of High Representative - responsible for civic and legal matters, and the Organization for Security and Co-operation in Europe (OSCE) - responsible for organizing the first free elections in 1996. The IFOR multilateral military force consisted of 63,000 soldiers and in November 1996 was replaced by the Stabilization Force (SFOR) under the US command (the latter renewed again in 1998).

After Bosnia and Hercegovina declared its independence from Yugoslavia on March 3, 1992, the remaining two SFRY republics constituted the Federal Republic of Yugoslavia (FRY) on April 27, 1992. Although on the federal level the governance of the new state was equitably shared between the

constitutive entities, there was a sentiment in Montenegro that Serbia had the larger share in the state power (especially expressed in the common parliament, the composition of which reflected the population difference between the two constitutive entities). This sentiment of unequal share of the power resulted in a reconstitution of the state to a State Union of Serbia and Montenegro on February 4, 2003. In the Montenegrin society there has historically been a divide regarding their ethnic affiliation. Approximately half of the Slavic population identifies itself as Serbs, while the other half perceives itself as a separate nation. Coupled with other political and economic discontents, this national divide led to the referendum for independence of Montenegro on June 3, 2006. Given that 55.5% of the 86.3% voter turnout voted for separation, Montenegro declared its independence. Serbia formally declared its statehood on June 5, 2006, and became a legal successor of the State Union, while Montenegro had to apply for membership in all international organizations. This was the end of the dissolution of the ex-SFRY.

From the above historical overview of the dissolution process of Former Yugoslavia it is clear that the causes for its disintegration are of both internal and external origin. Below we shall analyze the dissolution process from the point of view of Dialectic Relationism. Within the relationist approach to the problem one should include in the analysis the effects of four distinct groups of relations involved in the dynamics of the process: 1) relations within the federal units (the republics and provinces), 2) relations between the units themselves, 3) relations of the federation and its units with the world political environment and 4) relations within this environment. All these relations are mutually connected and affect each other. A relation between two or more entities can have either a conflicting character (opposite interests of any kind, mutual incompatibility of the societal features or strategic goals) or a co-operative character (common interests, mutual complementarity). A relation is also characterized by its intensity. Both the character and intensity of a relation may change over time and affect the structure of the system (or sub-system) which they constitute.

We now analyze the role of the relations within above mentioned four groups in the process of dissolution of Former Yugoslavia (SFRY). It should be noted that SFRY as a federal state was formed on the basis of the joint anti-fascist resistance against the German occupation in the Second World War, as continuation of the former unification of South Slavs into a state entity (the Kingdom of Yugoslavia), and the recognition of national rights of the people on the liberated territory to form their own quasi-state entities (republics). As mentioned earlier, in all republics, except in Slovenia, the population at the time of formation of SFRY was multi-ethnic. According to the census of 1948, the Serb population in Croatia constituted 14.5% of the total population; the Serb and Croat populations in Bosnia and Hercegovina constituted 44.3% and 23.9%, respectively; Albanians in Macedonia comprised 17% of the population. The Albanian population in Serbia amounted to only 0.6%; however, in the Serbian province of Kosovo and Metohia it entailed 68.5% of the total provincial population (the Serb population being 23.6%). In Serbian province Vojvodina, the Hungarian and Croat populations amounted to 25.6% and 7.5% of total population, respectively. The ethnic and cultural differences



within the federal units were the source of latent tensions (conflict relations), which evolved into well-articulated cultural and open political separatist demands over time (e.g., Albanians in Kosovo and Metohia and Macedonia, Serbs in Croatia and Bosnia and Hercegovina), especially after the Constitution of 1974 gave more political, economic and cultural rights to the federal units. After Tito's death, and particularly after the introduction of multi-party system (following the breakup of the League of Communists of Yugoslavia in January 1990), the ethnic-based political aspirations found their legalized form within the political systems of federal units.

Because of the mixed ethnic compositions of the federal units, the conflict ethnic tensions within the units were extended to similar tensions between the units. The inter-unit conflict relations were further amplified by conflicting economic interests and by their own separate national interests in the relations with political and economic entities outside the federal frame. These separatist aspirations of certain federal units were actively supported by foreign countries with complementary interests. More specifically, one should mention the active role of Germany, Austria, Italy, and to lesser extent Hungary, in the independence establishing process, evident through the early recognition (by Germany) of Slovenia and Croatia, and the massive financial and political support of Bosnia and Hercegovina by Saudi Arabia. Albania and the US were actively supporting the separatist movements of Albanians in Kosovo and Metohia during the 1990s, culminating with the US-led NATO intervention in Kosovo and bombardment of Serbia in 1999. It should be noted that before and even after the Badinter Commission's opinion that Slovenia and Croatia (the latter only conditionally) fulfilled the conditions for independence recognition, France, United Kingdom and the Netherlands expressed reservation about their independence recognition. The reunification of Germany on August 31, 1990, was seen by these countries as a potential dominance of Germany in Europe, which through the close historic ties with independent Slovenia and Croatia would only be enhanced. The US held a similar belief and, therefore, recognized Slovenia and Croatia on April 7, 1992, almost three months after the EU countries.

The global political situation and the relations between the major political actors on the international scene also had an important impact on the dissolution process of Former Yugoslavia. In March 1985 Mikhail Gorbachev was elected as Secretary General of the Communist Party of the Soviet Union. He introduced a new level of democratization in both the Party and society ("glasnost"-openness and "perestroika"-restructuring), some vague (unsuccessful) economic reforms, and abolished the old practice of Soviet interventions in the internal affairs of the Soviet-led Eastern Bloc countries. This liberalization fostered national movements and ethnic disputes within the Soviet Union and led to the revolutionary wave in the late 1980s and early 1990s in the Soviet bloc countries, resulting in the disintegration of Warsaw Pact in July 1991 and the dissolution of Soviet Union in December of the same year. The end of the "cold war" radically changed the political landscape in Europe and the relations within the global political system. The incentive of preserving the unity of Yugoslavia was not of particular interest to any of the major world political actors; on the contrary, the independent new

states became attractive geostrategic targets for the world powers.

#### **4. Some Legal Issues Related to the Continuation of SFRY UN Membership by FR Yugoslavia**

After the recognition by EC of the independence of Slovenia and Croatia and the Declaration of Independence of Bosnia and Hercegovina on March 3, 1992, these three countries were admitted to UN membership on May 22, 1992, by the UN resolutions A/RES/46/237, A/RES/46/238 and A/RES/46/236, respectively. The Federal Republic of Yugoslavia (Serbia and Montenegro) claimed itself as a legal successor state of the SFRY. However, following the recommendations of UN Security Council resolutions SC/RES/757 (May 30, 1992) and SC/RES/777 (September 19, 1992), the UN General Assembly adopted the resolution A/RES/47/1 on September 22 of the same year, determining that “the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue the membership of the former Socialist Federal Republic of Yugoslavia” in the United Nations. Therefore, it was decided that “the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership to the United Nations and that it shall not participate in the work of General Assembly”. The denial of automatic membership of FRY in the UN was in stark contrast to the previous decision of the General Assembly that the Russian Federation could automatically continue the UN membership of the Soviet Union after its dissolution in December 1991. Despite of the fact that a continuous UN membership of Russia is necessary for the smooth UN operation (due to its permanent seat in the Security Council), the dissimilar treatment of the two legally identical cases is in contradiction with the UN Charter basic principle of “sovereign equality of its members” (Article 2(1) ). It should be noted that the primary purpose of the previously mentioned Security Council Resolution 757, in which the successor status of Federal Republic of Yugoslavia was denied, was to impose international sanctions on the country given its role in the Yugoslav wars (as seen by the Security Council members). During that period Gorbachev’s Russia was trying to demonstrate its acceptance of the “western values” and its “openness for co-operation”. The negative image created by massive propaganda portraying FRY as an aggressor in Yugoslavia’s dissolution process might have led to the biased legal reasoning in the Security Council and in the General Assembly. Irrespective of these considerations, the legal fact remains that through the continuation of the membership of the former Soviet Union (USSR) by the Russian Federation and the denial of continuation of former Yugoslavia (SFRY) by Federal Republic of Yugoslavia, an unequal treatment was applied, that violates Article 2(1) of the Charter. This example demonstrates how the positions of state entities in the world political system are determined by the relations between the states, especially by the relations between the most influential states, and how these relations may affect the legal actions of international institutions.

The recommendation of the UN Security Council in its Resolution SC/RES/777, incorporated later in the General Assembly Resolution A/RES/47/1, that FRY “should not participate in the work of General Assembly”, was a political compromise between the US and some western SC members, on one side, and the Russian Federation, People’s Republic of China and some other non-allied SC members, on the

other. The original draft of the SC Resolution 777, prepared by the United States, stated that the UN General Assembly should make the decision that the "Yugoslavia's membership in the United Nations be extinguished". This Draft SC Resolution was reformulated in order to obtain Russian support and the resolution remained open to different interpretations. Russian Federation and the Republic of China rejected the initial idea that the FRY be excluded from all UN organs, stating that its work in "the other organs should be unaffected". Meanwhile, India and Zimbabwe (traditional allies of Yugoslavia) observed and stated that SC Resolution 777 violates Article 5 of the United Nations Charter. Since the membership of the former SFRY to the UN had not yet been extinguished, the SFRY diplomatic mission to the United Nations continued its work in the other UN organs, while FRY continued to pay the due yearly membership contribution to the UN budget. This irregular membership status was acceptable to the FRY leadership, and only after Milošević was ousted from power on October 5, 2000, the Federal Republic of Yugoslavia applied for UN membership; it was admitted on November 1, 2000, by the General Assembly resolution A/RES/55/12.

Let us briefly analyze the legal soundness of SC Resolution 777, regarding which India and Zimbabwe voiced their concerns. The suspension of the right of a UN member from participation in the work of the General Assembly, or the suspension of any membership right, is regulated by Article 5 of the UN Charter that reads: "A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council". It should be noted that the conditions under which the prior preventive or enforcement action had been taken by the Security Council, necessary for suspending a membership right by the Council or the General Assembly, are not explicitly specified in the resolution(s), and neither is their character. This ambiguity dilutes Article 5 as a legal norm and opens the door for political considerations in its interpretation. Although the legal basis for imposing the suspension of the right of SFRY/FRY to participate in the work of General Assembly could only be Article 5 of the Charter, no specific preventive or enforcement action(s) taken by the Security Council were explicitly mentioned in the SC/RES 777 and A/RES/47/1 to justify the imposed suspension. In the absence of an explicit delineation of the specific preventive or enforcement action measures taken by Security Council (and supporting rationale), the recommendation and decision in the above mentioned resolutions for suspension of the SFRY/FRY right to participate in the work of General Assembly are lacking the legal basis. As accurately observed by India's and Zimbabwe's SC members, these resolutions are in violation with Article 5 of the Charter. Thus, it can be concluded that the suspension of the right to participation in the work of the General Assembly by the above UN organs was imposed on the basis of political considerations alone, i.e., disregarding the UN Charter's legal framework.

## 5. Conclusion

In the first part of this chapter we have laid down the historical background and the philosophical basis of a new doctrine, which we call Dialectic Relationism according to which the relations between the elements in a system play the dominant role in the system, determine its properties, behavior and are even the cause for the element's existence in the system. The relations within a system are responsible for its unity and stability, but also for its disintegration. In complex systems, formed as union of sub-systems, the relations between the sub-systems have the same meaning and role but, in addition, these systems acquire also certain collective properties and behavior. The fundamental character of the relation has been derived by using the dialectic logic in resolving the basic metaphysical problem of 'something-nothing' duality. In fact, it is the relation that transforms this duality into a unity.

In the second part of the chapter we have applied the relationist doctrine to the problem of disintegration of Former Yugoslavia during 1990s. The Former Yugoslavia, consisting of six federal units (republics) with different historic and cultural backgrounds, multi-ethnic compositions and various levels of economic development, occupies a geostrategic territory in the Balkans, where the geopolitical interests of Western, Eastern and Middle Eastern countries intersect. While at the beginning of its existence (1950s and 1960s) the enthusiasm of building a new socialist country on the territory of war devastated old Kingdom of Yugoslavia kept the unity of the state strong (under the political slogan "fraternity and unity"), the inauguration of the democratization process and the "self-government" socialist model in the 1960s resulted in clear manifestation of the latent inter-ethnic and inter-republic tensions (the latter mainly based on the economic inequality). After the adoption of the federal Constitution in 1974, the autonomies of the republics (and the Serbian provinces Vojvodina and Kosovo and Metohia) were augmented to the level of quasi-statehood, and the co-operative character of the relations between the federal units was reversed. The ethnic intolerance was the primary contributing factor in this transformation, reinforced by the economic differences and inequalities. Both factors together generated strong separatist aspirations in some of the republics, which began to manifest themselves openly after Tito's death. The dissolution of the League of Communists of Yugoslavia in 1990, followed by the introduction of the multi-party system and the violent inter-ethnic conflicts in Croatia and Bosnia and Hercegovina, marked the beginning of the SFRY disintegration process. By April 1992 all Yugoslav republics, except for Serbia and Montenegro, had already separated from Yugoslavia; the remaining two formed a new state, the Federal Republic of Yugoslavia, which ceased to exist after Montenegro declared its independence from Serbia in June 2006. While the internal inter-ethnic conflict relations within and between the republics, accompanied by inter-republic conflict economic relations, were the main factors in the dissolution of Former Yugoslavia, the co-operative relations of some foreign states with the separatist republics contributed significantly to the separatist efforts of these republics, by supplying them with vital economic, financial, logistic, political and even military assistance. This was the case with the relations of Germany, Austria, Italy and Hungary with Slovenia and Croatia, as well as of Saudi Arabia with Bosnia and Hercegovina. The

simultaneous dissolution of the Soviet Union and Warsaw Pact had a further “environmental” political impact on the dissociation of Former Yugoslavia, in the sense that the separation from an “authoritarian” complex state-entity, based on nationalist interests, was considered at the time as an acceptable natural expression of national aspirations for sovereign statehood (supported by the principle of “self-determination”). Furthermore, the newly emerged independent sovereign states represented potential candidates for western alliances, such as NATO and EU, likely impacting the change in the balance of power on the Balkans.

We have also discussed some legal issues related to the question of continuation of the UN membership of Former Yugoslavia by the Federal Republic of Yugoslavia. We have demonstrated that the political relations between the states, represented in the UN political organs, can affect the decisions of these organs by giving preponderance to the political considerations over the legal norms enshrined in the UN Charter. The considered cases serve as clear examples of the fact that decisions made by the UN political organs can be in severe violation of the legal provisions of the Charter.

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